

HOUSE BILL 1375

R6

2lr0144

By: **Chair, Environmental Matters Committee (By Request – Departmental – Transportation)**

Introduced and read first time: February 22, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Maryland Transportation Authority – Payment of Tolls**

3 FOR the purpose of clarifying procedures of the Maryland Transportation Authority
4 for the collection of unpaid tolls through a certain notice and a citation for toll
5 violations; altering the contents of a certain citation; altering procedures for
6 paying or contesting the amounts due under a citation; providing for the
7 admissibility and prima facie effect of the information in a citation in any
8 proceeding to contest liability; altering certain defenses to a citation; altering
9 procedures for collection of unpaid tolls and civil penalties; authorizing
10 reciprocal agreements with other jurisdictions for enforcement of toll violations;
11 defining certain terms; altering certain definitions; clarifying language; making
12 conforming changes; and generally relating to the issuance of citations for
13 nonpayment of tolls on Maryland Transportation Authority facilities.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–1414 and 27–110
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 21–1415
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-1414.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) **“AUTHORITY” MEANS THE MARYLAND TRANSPORTATION**
4 **AUTHORITY.**

5 [(2)] (3) **“Electronic toll collection” means a system [of collecting tolls**
6 **or charges] IN A TOLL COLLECTION FACILITY that is capable of [charging an**
7 **account holder for the appropriate toll by electronic transmission of] COLLECTING**
8 **information [between a device on a motor vehicle and a device in a toll lane at a toll**
9 **collection facility] FROM A MOTOR VEHICLE FOR USE IN CHARGING TOLLS.**

10 [(3) **“Pay” means paying a toll by cash, by permitting a charge against**
11 **a valid account with the Maryland Transportation Authority, or by another means of**
12 **payment approved by the Authority at the time.]**

13 (4) **“NOTICE OF TOLL DUE” OR “NOTICE” MEANS A WRITTEN**
14 **ADMINISTRATIVE NOTICE OF AN UNPAID TOLL TRANSACTION.**

15 (5) (I) **“RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A**
16 **VIDEO MONITORING SYSTEM OF A MOTOR VEHICLE PASSING THROUGH A TOLL**
17 **COLLECTION FACILITY ON:**

18 1. **ONE OR MORE PHOTOGRAPHS, MICROGRAPHS, OR**
19 **ELECTRONIC IMAGES;**

20 2. **VIDEOTAPE; OR**

21 3. **ANY OTHER MEDIUM; AND**

22 (II) **SHOWING EITHER THE FRONT OR REAR OF A MOTOR**
23 **VEHICLE, ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY**
24 **IDENTIFYING THE LICENSE PLATE NUMBER AND STATE OF THE MOTOR**
25 **VEHICLE.**

26 (6) **“REGISTERED OWNER” MEANS WITH RESPECT TO A MOTOR**
27 **VEHICLE, THE PERSON OR PERSONS DESIGNATED AS THE REGISTERED OWNER**
28 **IN THE RECORDS OF THE STATE AGENCY THAT IS RESPONSIBLE FOR MOTOR**
29 **VEHICLE REGISTRATION.**

1 **(7) “TOLL COLLECTION FACILITY” MEANS ANY POINT ON AN**
2 **AUTHORITY HIGHWAY WHERE A TOLL IS INCURRED AND IS REQUIRED TO BE**
3 **PAID.**

4 **(8) “TOLL VIOLATION” MEANS THE FAILURE TO PAY AN UNPAID**
5 **TOLL TRANSACTION WITHIN THE TIME PRESCRIBED BY THE AUTHORITY IN A**
6 **NOTICE OF TOLL DUE.**

7 **(9) “UNPAID TOLL TRANSACTION” MEANS ANY TRANSACTION IN**
8 **WHICH A MOTOR VEHICLE DOES NOT PAY A TOLL AT THE TIME OF PASSAGE**
9 **THROUGH A TOLL COLLECTION FACILITY.**

10 **[(4)] (10) [“Video-monitoring system”] “VIDEO MONITORING**
11 **SYSTEM” means a motor vehicle [sensor] DEVICE installed to work in conjunction**
12 **with a toll collection facility that [automatically] produces a [photograph,**
13 **microphotograph, videotape, or other] recorded image of the license plate NUMBER**
14 **AND STATE of a motor vehicle when [the operator of the motor vehicle fails to pay a**
15 **toll] AN UNPAID TOLL TRANSACTION OCCURS.**

16 (b) (1) If the operator of a motor vehicle fails to pay the prescribed toll at
17 any Authority highway where tolls are collected by means of electronic toll collection,
18 the registered owner of the motor vehicle shall be liable to the [Maryland
19 Transportation] Authority for payment of the UNPAID toll [and a civil penalty]
20 TRANSACTION as provided for in the regulations of the [Maryland Transportation]
21 Authority.

22 **(2) THE AUTHORITY SHALL SEND THE REGISTERED OWNER OF A**
23 **MOTOR VEHICLE THAT HAS INCURRED AN UNPAID TOLL TRANSACTION A**
24 **NOTICE OF TOLL DUE.**

25 **(3) THE REGISTERED OWNER OF THE MOTOR VEHICLE WHO**
26 **RECEIVES A NOTICE OF TOLL DUE SHALL HAVE 30 DAYS TO PAY THE AMOUNT**
27 **DUE.**

28 **(c) (1) EXCEPT WHEN OTHERWISE DETERMINED BY THE DISTRICT**
29 **COURT FOLLOWING A TRIAL TO CONTEST LIABILITY AS PROVIDED IN THIS**
30 **SECTION, FAILURE OF THE REGISTERED OWNER TO PAY THE AMOUNT DUE**
31 **UNDER A NOTICE OF TOLL DUE BY THE DATE STATED ON THE NOTICE SHALL**
32 **CONSTITUTE A TOLL VIOLATION SUBJECT TO CIVIL CITATION AND CIVIL**
33 **PENALTY AS PROVIDED FOR IN THE REGULATIONS OF THE AUTHORITY.**

34 (2) A registered owner of a vehicle shall not be liable for a civil penalty
35 imposed under this section if the operator of the vehicle has been convicted of failure
36 or refusal to pay a toll under § 21-1413 of this subtitle for the same violation.

1 **[(c)] (D)** (1) The **[Maryland Transportation]** Authority or its duly
2 authorized agent shall send a citation via first-class mail, no later than 60 days after
3 the alleged **TOLL** violation, to **[each]** **THE** person alleged to be liable under this section
4 as a registered owner.

5 (2) Personal service upon the **[registered owner]** **PERSON ALLEGED**
6 **TO BE LIABLE** shall not be required, and a record of mailing kept in the ordinary
7 course of business shall be admissible evidence of the mailing of the **NOTICE OF TOLL**
8 **DUE AND** citation.

9 (3) A citation shall contain:

10 (i) The name and address of the **[registered owner]** **PERSON**
11 alleged to be liable under this section;

12 (ii) The **[registration]** **LICENSE PLATE** number **AND STATE OF**
13 **REGISTRATION** of the motor vehicle involved in **[such violation]** **THE UNPAID TOLL**
14 **TRANSACTION;**

15 (iii) The location where **[such violation]** **THE UNPAID TOLL**
16 **TRANSACTION** took place;

17 (iv) The date and time of **[such violation]** **THE UNPAID TOLL**
18 **TRANSACTION;**

19 (v) The amount of the **[toll not paid]** **UNPAID TOLL**
20 **TRANSACTION AND THE DATE IT WAS DUE;**

21 **(VI) A COPY OF THE RECORDED IMAGE;**

22 **(VII) A STATEMENT THAT THE NOTICE OF TOLL DUE WAS NOT**
23 **PAID BY THE DATE STATED ON THE NOTICE;**

24 **[(vi)] (VIII)** The amount of the civil penalty; and

25 **[(vii)] (IX)** The date by which the toll and penalty must be paid.

26 (4) A citation shall also include:

27 (i) Information advising the person **ALLEGED TO BE** liable
28 under this section of the manner and the time in which liability alleged in the citation
29 may be contested;

1 (ii) The statutory defenses described in subsection [(f)] (G) of
2 this section; and

3 (iii) A warning that failure to pay the toll and civil [penalty or]
4 **PENALTY**, to contest liability in the manner and time [prescribed] **PRESCRIBED, OR**
5 **TO APPEAR AT A TRIAL REQUESTED** is an admission of liability and a waiver of
6 available defenses, and may result in [the entry of a default judgment or in] the
7 refusal or suspension of the motor vehicle registration **AND REFERRAL FOR**
8 **COLLECTION**.

9 (5) A person receiving the citation for a violation under this section
10 may:

11 (i) Pay the toll and the civil penalty directly to the [Maryland
12 Transportation] Authority; or

13 (ii) Elect to stand trial for the alleged violation.

14 (6) If the [registered owner of a motor vehicle who is] **PERSON**
15 **ALLEGED TO BE** liable under this section fails to **ELECT TO STAND TRIAL OR TO** pay
16 the prescribed toll and civil penalty within 60 days after mailing of the citation, **OR IS**
17 **ADJUDICATED TO BE LIABLE AFTER TRIAL**, the [Maryland Transportation]
18 Authority or its duly authorized agent may:

19 (i) Collect the toll[,] **AND** the civil penalty[, and administrative
20 expenses by civil action commenced in the District Court for the jurisdiction in which
21 the alleged failure to pay a toll occurred; or] **BY ANY MEANS OF COLLECTION AS**
22 **PROVIDED BY LAW; AND**

23 (ii) Notify the Administration of the failure to pay the toll and
24 civil penalty in accordance with § 27–110 of this article.

25 **(III) NO ADDITIONAL HEARING OR PROCEEDING IS**
26 **REQUIRED BEFORE THE ADMINISTRATION TAKES ACTION WITH RESPECT TO**
27 **THE REGISTERED VEHICLE OF THE OWNER UNDER § 27–110 OF THIS ARTICLE.**

28 [(d)] (E) (1) A certificate alleging that a [failure to pay a] toll
29 **VIOLATION** occurred, sworn to or affirmed by a duly authorized agent of the
30 [Maryland Transportation] Authority, based upon inspection of [photographs,
31 videotape, or other electronically recorded images of the license plate of a motor
32 vehicle produced by an electronic toll collection video–monitoring system] **A**
33 **RECORDED IMAGE, TOLL COLLECTION RECORDS, AND RECORDS OF THE STATE**
34 **AGENCY THAT IS RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION, AND THE**
35 **CERTIFICATE** shall be evidence of the facts contained therein and shall be admissible
36 in any proceeding alleging a violation under this section.

1 **(2) THE CITATION, INCLUDING THE CERTIFICATE, SHALL**
2 **CONSTITUTE PRIMA FACIE EVIDENCE OF LIABILITY FOR THE TOLL VIOLATION**
3 **AND CIVIL PENALTY.**

4 **[(e)] (F)** Adjudication of liability under this section:

5 (1) Shall be based upon a preponderance of evidence;

6 (2) May not be deemed a conviction of a registered owner of a motor
7 vehicle under the Motor Vehicle Code;

8 (3) May not be made part of the registered owner's motor vehicle
9 operating record; and

10 (4) May not be considered in the provision of motor vehicle insurance
11 coverage.

12 **[(f)] (G)** (1) **[If a person] IF THE DISTRICT COURT FINDS THAT AT**
13 **THE TIME THE TOLL IS INCURRED, THE VEHICLE IS OPERATED BY AN**
14 **INDIVIDUAL** other than the registered owner **[of the motor vehicle is adjudicated**
15 **responsible for the failure to pay the toll] AND WITHOUT THE EXPRESS OR IMPLIED**
16 **CONSENT OF THE REGISTERED OWNER**, then the registered owner is not liable
17 under this section.

18 (2) If the registered owner is a lessor of motor vehicles, and at the time
19 of the **[failure to pay a toll] UNPAID TOLL TRANSACTION** the motor vehicle involved
20 was in the possession of a lessee, and the lessor within 30 days of the citation provides
21 the **[Maryland Transportation] Authority** or its duly authorized agent with a copy of
22 the lease agreement identifying the lessee, then the lessee shall be liable under this
23 section **AND SHALL BE SENT A NOTICE OF TOLL DUE.**

24 (3) If the motor vehicle involved in **[a failure to pay a toll] AN UNPAID**
25 **TOLL TRANSACTION** is operated using a dealer or transporter registration plate, and
26 at the time of the **[violation] UNPAID TOLL TRANSACTION** the motor vehicle was
27 under the custody and control of a person other than the **OWNER OF THE** dealer or
28 transporter **REGISTRATION PLATE**, and if the **OWNER OF THE** dealer or transporter
29 **REGISTRATION PLATE** within 30 days of the citation **[identifies] PROVIDES** to the
30 **[Maryland Transportation] Authority** or its duly authorized agent **A COPY OF THE**
31 **LEASE OR OTHER CONTRACTUAL AGREEMENT INDENTIFYING** the person who had
32 custody and control over the motor vehicle at the time of the **[violation] UNPAID TOLL**
33 **TRANSACTION**, then that person and not the **OWNER OF THE** dealer or transporter
34 **REGISTRATION PLATE** shall be liable under this section **AND SHALL BE SENT A**
35 **NOTICE OF TOLL DUE.**

1 (4) If a motor vehicle is reported to a law enforcement agency as stolen
2 at the time of the [failure to pay a toll, or within a reasonable period of time after the
3 registered owner becomes aware of the theft,] **UNPAID TOLL TRANSACTION, AND**
4 **THE REGISTERED OWNER WITHIN 30 DAYS OF THE CITATION PROVIDES TO THE**
5 **AUTHORITY OR ITS DULY AUTHORIZED AGENT A COPY OF THE POLICE REPORT**
6 **SUBSTANTIATING THAT THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE**
7 **UNPAID TOLL TRANSACTION,** then the registered owner of the motor vehicle is not
8 liable under this section.

9 [(5) (i) If within 30 days of notice of a violation, a registered owner
10 provides to the Maryland Transportation Authority or its duly authorized agent
11 substantial evidence of the identity of the person who was operating the motor vehicle
12 at the time of the violation, then that person shall be subject to liability under this
13 section and shall be sent a citation under subsection (c) of this section.

14 (ii) If that person subsequently admits to or is adjudicated
15 responsible for failure to pay the toll, then the registered owner is not liable under this
16 section.]

17 **21-1415.**

18 (A) **THE MARYLAND TRANSPORTATION AUTHORITY IN CONSULTATION**
19 **WITH THE ADMINISTRATOR MAY ENTER INTO AN AGREEMENT WITH ANOTHER**
20 **JURISDICTION THAT PROVIDES FOR RECIPROCAL ENFORCEMENT OF TOLL**
21 **VIOLATIONS BETWEEN THE STATE AND THE OTHER JURISDICTION.**

22 (B) **AN AGREEMENT MADE UNDER THIS SECTION SHALL PROVIDE THAT**
23 **DRIVERS AND VEHICLES LICENSED IN THE STATE, WHILE OPERATING ON THE**
24 **HIGHWAYS OF ANOTHER JURISDICTION, SHALL RECEIVE BENEFITS,**
25 **PRIVILEGES, AND EXEMPTIONS OF A SIMILAR KIND OR TO A SIMILAR DEGREE**
26 **WITH REGARD TO TOLL ENFORCEMENT AS ARE EXTENDED TO DRIVERS AND**
27 **VEHICLES LICENSED OR REGISTERED IN THE OTHER JURISDICTION WHILE**
28 **OPERATED IN THE STATE.**

29 (C) **A RECIPROCAL AGREEMENT UNDER THIS SECTION MAY PROVIDE**
30 **FOR ENFORCEMENT OF TOLL VIOLATIONS BY REFUSAL OR SUSPENSION OF THE**
31 **REGISTRATION OF A MOTOR VEHICLE IN ACCORDANCE WITH § 27-110 OF THIS**
32 **ARTICLE.**

33 **27-110.**

34 (a) The Administration [may not register or transfer] **SHALL REFUSE OR**
35 **SUSPEND** the registration of any **MOTOR** vehicle [involved in a failure to pay]
36 **INCURRING** a toll violation under § 21-1414 of this article if:

1 (1) It is notified by the Maryland Transportation Authority that a
2 registered owner [who has received a notice of violation of] **HAS BEEN SERVED WITH**
3 **A CITATION IN ACCORDANCE WITH § 21-1414** of this article [has failed to either]
4 **AND:**

5 (i) [Pay] **HAS FAILED TO PAY** the toll and the civil penalty for
6 the [violation] **CITATION** by the date specified in the [notice of violation] **CITATION**;
7 or

8 (ii) [File a notice of intention] **HAS FAILED** to contest liability
9 for the **TOLL** violation **BY THE DATE IDENTIFIED AND IN THE MANNER SPECIFIED**
10 **IN THE CITATION**; or

11 (2) It is notified by the District Court that a person who elected to
12 contest liability for a **TOLL** violation of § 21-1414 of this article has failed to appear
13 for trial **OR HAS BEEN DETERMINED TO BE GUILTY OF THE TOLL VIOLATION.**

14 [(b) Notwithstanding the provisions of subsection (a) of this section, the
15 Administration may suspend the registration of a vehicle involved in a failure to pay a
16 toll violation under § 21-1414 of this article if notified by the Maryland
17 Transportation Authority that the violator is a chronic offender.]

18 [(c) (B) In conjunction with the Maryland Transportation Authority, the
19 Administration may adopt rules and regulations [to define chronic offender and to]
20 **AND** develop procedures to carry out the [suspension and refusal to register or
21 transfer] **REFUSAL OR SUSPENSION OF A** registration **AS** authorized by this section.

22 [(d) (C) The procedures specified in this section are in addition to any other
23 penalty provided by law for [the failure to pay a toll or appear for trial for a failure to
24 pay a toll violation] **TOLL VIOLATIONS** under § 21-1414 of this article.

25 **(D) THE PROVISIONS OF THIS SECTION MAY BE APPLIED TO ENFORCE A**
26 **RECIPROCAL AGREEMENT ENTERED INTO BY THE STATE AND ANOTHER**
27 **JURISDICTION IN ACCORDANCE WITH § 21-1415 OF THIS ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2012.